

Senate Bill No. 156
(Section by Section Summary)

Section 1: Amending § 41-5-206, MCA 1
Filing in district court prior to formal proceedings in youth court.

Amends current law to allow a youth who was 16 or older at the time of commission of the offense to be charged as an adult for sexual assault if the victim was less than 16 and the youth was 3 or more years older than the victim or if the offender inflicted bodily injury during the commission of the assault.

Section 2: Amending § 41-5-216, MCA 3
Disposition of youth court, law enforcement, and department records.

Amend current law to clarify that the requirements that juvenile records be sealed on the youth's 18th birthday do not apply to the registration information required in 46-23-508 if the youth was required to register as a sex offender.

Section 3: Amending § 41-5-1513, MCA 5
Disposition—delinquent youth—restrictions.

Amend current law to clarify registration requirements for juvenile offenders. Juvenile sex offenders would be required unless relieved of the duty by the court; juvenile violent offenders would only be required to register if court ordered to do so.

Section 4: Amending § 45-5-503, MCA 7
Sexual intercourse without consent.

Amends current sentencing structure to provide for a mandatory minimum sentence of 25 years if the victim was less than 12 and the offender was 18 or older at the time of the commission of the offense.

Section 5: Amending § 45-5-625, MCA 8
Sexual abuse of children.

Amends current sentencing structure to provide for a mandatory minimum sentence of 25 years if the victim was less than 12 and the offender was 18 or older at the time of the commission of the offense.

Section 6: Amending § 46-1-202, MCA 9
Definitions.

Amends definition of "probation."

Section 7: Amending § 46-18-111, MCA 13
Presentence investigation—when required.

Amends current law to require an offender who is required to register as a sex offender and who is convicted of failure to register to submit to a psychosexual evaluation.

Section 8: Amending § 46-18-201, MCA 13-14
Sentences that may be imposed.

Amends current law to allow for mandatory minimum sentences proposed in sections four and five.

Section 9: Amending § 46-18-203, MCA 16
Revocation of suspended or deferred sentence.

Amends current law to allow for mandatory minimum sentences proposed in sections four and five.

Section 10: Amending § 46-23-502, MCA 18
Definitions.

Amends current law to clarify definition of the following terms: municipality, registering agency, residence, sexual offense, sexually violent predator, transient and violent offense. The amendments clarify that a youth who has been “adjudicated” of a qualifying sexual offense is required to register and define any offender, who is 18 or older and who commits a sexual offense against a victim who is 12 years of age or younger, as a sexually violent predator.

Section 11: Amending § 46-23-504, MCA 20
Persons required to register—procedure.

Amends current law to create transient registration requirements, clarify the proper registering agency, and designate the information that must be collected from offenders at the time of registration. Section 11 would also require registration of multiple addresses if an offender regularly resides in more than one county or municipality. **(Implements requirements of Adam Walsh Child Safety & Protection Act.)**

Section 12: Amending § 46-23-505, MCA	22
<i>Notice of change of address name or residence or student, employment, or transient status—duty to inform—forwarding of information.</i>	

Shortens the timeframe for notification of change of address from 10 to 3 business days and expands the situations about which an offender is required to inform the registering agency (ie. Name change and change in student, employment or transient status).
(Implements requirements of Adam Walsh Child Safety & Protection Act.)

Section 13: Amending § 46-23-506, MCA	23
<i>Duration of registration.</i>	

Amends current law to extend from 10 to 25 years the minimum registration period for level two sex offenders. **(Implements requirements of Adam Walsh Child Safety & Protection Act.)**

Section 14: Amending § 46-23-508, MCA	24
<i>Dissemination of information.</i>	

Amends current law to clarify the information that may be released on sex offenders and to allow photographs to be posted for all sex offenders (level one, two and three). Requires the Department of Justice to adopt a model community notification policy to assist local law enforcement agencies. **(Implements requirements of Adam Walsh Child Safety & Protection Act.)**

Section 15: Amending § 46-23-509, MCA	26
<i>Sexual offender evaluations and designations—rulemaking authority.</i>	

Amends current law to allow the sentencing court or department of corrections to consider the lack of a fixed residence in determining an offender's tier level designation.

Section 16: Amending § 46-23-1011, MCA	27
<i>Supervision on probation.</i>	

Amends current law to allow for mandatory minimum sentences proposed in sections four and five.

Section 17: Severability	28
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